



U.S. Department of Justice

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District of New Jersey
Civil Division

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February 24, 2021

BY ECF

The Honorable Renée Marie Bumb
United States District Judge
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

Re: *Hare v. Ortiz*, Civ. No. 20-14093 (RMB)

Dear Judge Bumb:

I am the Assistant United States Attorney appearing on behalf of the respondent in this case, a habeas petition brought under 28 U.S.C. § 2241 by Jeremy Hare. I respectfully write, in accordance with the Court's order and opinion of February 4, 2021, to provide the Court with the February 17, 2021 Supplemental Declaration of Christopher Palm and its attached exhibits, which set out additional information concerning the assessment of Hare's needs under the First Step Act and the programming he has completed at FCI Fort Dix.

As explained more fully in Case Manager Palm's February 2021 declaration, to date, Hare has only taken one course corresponding to an assessed need for which he can obtain Earned Time Credits: the 72-hour Threshold course, which meets his need in parenting. *See* Supplemental Declaration of Christopher Palm ("Feb. 2021 Suppl. Palm Decl.") ¶ 8. With respect to the other courses Hare has taken, none qualifies for Earned Time Credits, for the following reasons:

- Although Hare volunteered for and completed the 15-hour Drug Education program in July 2019 and the 24-hour Non-Residential Drug Abuse Program in December 2019, those programs do not qualify for Earned Time Credits because Hare does not have, and the BOP has never assessed him with, a need in substance abuse. *See* Feb. 2021 Suppl. Palm Decl. ¶¶ 3, 9, Ex. 4 (Inmate History, Drug Programs) at 1.

- While Hare is enrolled in the 40-hour second phase of the Parenting program (which addresses his need in parenting), he has not yet completed that program. *See* 2021 Suppl. Palm Decl. ¶ 10, Ex. 7 (Inmate History, WASPB) at 1.
- Hare is on the wait list to take the 18-hour Anger Management program (which addresses his need in anger/hostility), but he has not yet completed that program. *See* 2021 Suppl. Palm Decl. ¶ 11, Ex. 8 (Inmate History, PT Other) at 1.
- Although Hare participated in a number of education programs (like Safe Serve and Adult Continuing Education courses), none of them is an approved EBRR or PA program for which he can obtain Earned Time Credits. *See* 2021 Suppl. Palm Decl. ¶ 12, Ex. 3 (Education Data) at 1.
- Hare cannot obtain Earned Time Credits based on the work assignments he has held since July 2020 (when BOP first assessed his work need), because only UNICOR employment qualifies as an approved EBRR or PA under the First Step Act. *See* 2021 Suppl. Palm Decl. ¶ 13.
- Despite Hare's contentions, BOP's SENTRY system does not reflect that he took either Criminal Thinking or Alcoholics Anonymous. Even if he did, he would not qualify for Earned Time Credits based on participation in these programs because he does not have a need in substance abuse, antisocial peers, or cognitions. *See* 2021 Suppl. Palm Decl. ¶ 14, Ex. 2 (Inmate History, FSA) at 1.

In sum, because he has only completed 72 hours of EBRR/PAs, Hare has not yet reached the 240 hours (30 days) of programming necessary to obtain 10 days of Earned Time Credits under the First Step Act. *See* 18 U.S.C. § 3621(d)(4)(A)(i). The Court should therefore deny his habeas petition in all respects.

Thank you very much for considering this matter.

Respectfully submitted,

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cc: **BY FIRST-CLASS MAIL**
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